UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,474	01/30/2001	Chan Ming Yam Terence Conan	CA919990016-US1	1657

	7590	12/15/2003

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EXAMINER
LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 November 2003_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 and 5-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2 and 5-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 1, 15, 17, 19, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18, 20, 21, 22, 23, 24

are rejected under 35 U.S.C. 103(a) as being unpatentable over Brouwer et al.

(U.S. Patent 6,279,124) in view of Haley et al. (U.S. Patent 6,154,876).

Regarding claims 1, 15, 17, 19:

Brouwer discloses a system, a computer program, a method for automated

testing of software, the system comprising a system server component

comprising, a test bucket for storing sets of test data (Col. 1, Lines 53-67), a job

receiver process (Col. 1, Lines 53-67), for accepting test requests from a user

(Col. 1, Lines 53-67), each test request comprising an identifier for selecting test

data from the test bucket (Col. 1, Lines 53-67), a resource process and resource

pool for managing system resource data to indicate resources available for

software testing on a set of client computer systems (Col. 4, Lines 43-62) , a job

execution process for creating test execution script data based on the test data

identified in a test request and the available resources (Col. 3, Lines 53-67, Col.

4, Lines 42-67), wherein the job execution process receives the test request from

the job receiver process and receives input from the resource (Col. 1-2, Lines 53-15), dynamically creates the test execution script based upon the resource pool indicating the availability of resources required for the execution of the test on one or more of the set of client computer systems, and initiates testing by forwarding the test execution script data to the appropriate one or more of the set of client computer systems (Col. 3, Lines 53-65), and the system server component further comprising a means for accepting and storing test results from the set of client computer systems (Col. 3, Lines 15-41).

Brouwer does not disclose a process indicating resources available for software testing, Haley disclose a process indicating resources available for software testing (Col. 10, Lines 59-38, Col. 26, Lines 3-22), in order to detect programming error in the system (Col. 1, Lines 29-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brouwer to have a process indicating resources available for software testing taught by Haley in order to detect programming error in the system (Col. 1, Lines 29-33).

Regarding claims 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18, 20, 21, 22, 23, 24:

Brouwer discloses a listener and execution process for the execution of the script to generate test report (fig. 3, unit 48), a job queue dispatcher process (Col. 8,

Lines 25-39), completion testing by the request (Col. 8, Lines 25-39), server

database storage (fig. 1, unit 28, 12), use of TCP/IP socket for the test (Col. 3,

Lines 23-35), generate test script file for the test (Col. 1-2, Lines 54-14), result

store in the server (fig. 1, unit 28, 26), client configuration file pre-testing an post-

testing (fig. 1, unit 28, 26), refresh subsystem responsive (fig. 1, unit 20, 22),

providing a graphical user interface (Col. 2-3, Lines 66-15), parsing ASCII format

(Col. 30-31, Lines 57-8).

b. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Brouwer et al. (U.S. Patent 6,279,124) and Haley et al. (U.S. Patent 6,154,876)

and further in view of Eric Knorr (PC bible 2nd edition).

The Brouwer and Haley combination disclose a method including the subject

matter discussed above except the use of DOS system; Knorr disclose the use of

DOS system in order to have an essential set of programs and utilities that

enables the computer to run (page 904, 945-951, 953-956, 965-967).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Brouwer and Haley to have the use of DOS

system taught by Knorr in order to have an essential set of programs and utilities

that enables the computer to run.

Response to Arguments

2.   Applicant's arguments filed 11/6/2003 have been fully considered but they are

not persuasive.

A. Applicant argues that the prior art does not show the 'test request and the

available resources'. Brouwer discloses 'test request and the available resources'

in Col. 4, Lines 41-67.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

3. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-308-5841 for

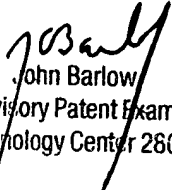regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703)

872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL   December 1, 2003

/John Barlow/
Supervisory Patent Examiner
Technology Center 2800